

Appln. No. 09/975,620
Amdt. Dated July 2, 2003
Reply to Office Action mailed January 2, 2003

Remarks

Initially, applicant's attorney notes that the present Amendment has been prepared in accordance with the revised amendment format published in the Official Gazette Notice on February 25, 2003. More particularly, the revised amendment format is prepared in accordance with proposed revisions to 37 CFR 1.121. In such circumstances, applicant's attorney respectfully requests waiver of the format requirements of current rule 37 CFR 1.121.

By the foregoing amendments, Claims 15-23 and 25-37 remain in the application. Claims 24 and 38 have been withdrawn as a result from an earlier election.

Election/Restriction

With reference to the Election filed on October 7, 2002, applicant's attorney notes that Claims 15-23, 25-28, and 30-37 were elected for further prosecution. Such claims were believed to be readable on elected Species I (i.e., Figures 3, 4a, 4b, and 6a). In view of applicant's election of Claims 15-23, 25-28, and 30-37, applicant's attorney respectfully submits that the Examiner has incorrectly withdrawn Claims 21-23 and 26-28 from the present application. Accordingly, applicant's attorney requests that the Examiner consider and examine Claims 21-23 and 26-28 in the next Office Action.

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Specification

The Examiner has objected to Claims 19-24 as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Applicant's attorney respectfully submits that there is only a single multiple dependent claim (i.e., Claim 18) in the present application. None of the dependent Claims 19-24 are multiple dependent claims. In such circumstances, applicant's attorney respectfully requests that the Examiner remove her objections to Claims 19-24.

Claim Rejections Under 35 USC 103(a)

Referring to Pages 2-5 of the Office Action, Claims 15-18, 25, 29-33, and 36 have been rejected under 35 USC 103(a) as being unpatentable over Phillips et al. U.S. Patent No. 4,974,904 in view of Hodgdon U.S. Patent No. 5,649,740. Further, Claims 34, 35, and 37 have been rejected under 35 USC 103(a) as being unpatentable over the Phillips et al. reference in view of the Hodgdon reference and Cohen WO 90/14031. The Examiner's foregoing claim rejections are respectfully traversed for the following reasons.

The present invention, as claimed in independent Claim 1, relates to a mounting for a seat, which includes an annular **elastic** member having an outer peripheral surface and a passageway extending through the elastic member so as to define an inner peripheral surface. The mounting also includes a core element positioned adjacent to and in contact with the inner peripheral surface of the elastic member and an outer casing positioned adjacent to and in contact with the outer peripheral surface of the elastic member. In this manner, as discussed in the

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specification, the seat can be moved in various directions due to the elasticity of the annular member.

It is respectfully submitted that the references relied upon by the Examiner in the Office Action (i.e., the Phillips et al., the Hodgdon, and the Cohen references), whether considered individually or in combination with one another, do not anticipate or make obvious the present invention as recited in independent Claim 15. For instance, while the Phillips et al. reference discloses an arrangement for converting a standard chair to a rocking chair, the arrangement is structurally different from the mounting recited in independent Claim 15. More particularly, the Phillips et al. reference includes an annular member having ball bearings. The ball bearings are provided to rotate a hemisphere attached to the bottom of a seat. The rotation of the hemisphere causes the seat to be rocked. As conceded by the Examiner, the Phillips et al. reference fails to disclose or suggest an annular **elastic** member, as recited in independent Claim 15.

With respect to the reference (i.e., the Hodgdon reference) cited in combination with the Phillips et al. reference, applicant's attorney notes that it discloses a tilt mechanism for a chair, which mechanism includes a pair of resilient blocks made from a compressible rubber material. The Examiner has taken the position that it would have been obvious to modify the annular member having ball bearings of the Phillips et al. reference with the rubber resilient blocks disclosed in the Hodgdon reference. Because the annular member disclosed in the Phillips et al. reference is used as a support for ball bearings, it is likely that the annular member would be made out of a rigid material such as metal in order to promote the desired rolling motion of the ball bearings. If the annular member of the Phillips et al. reference were made of an elastic

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member as suggested by the Examiner, the annular member would be incapable of performing its desired function. As a result, applicant's attorney respectfully submits that the cited references do not support the Examiner's postulated modification of the Phillips et al. reference. Moreover, it is respectfully submitted that the Phillips et al. reference actually teaches away from the Examiner's postulated modification. In view of the above, applicant's attorney respectfully requests that the Examiner withdraw her rejection based upon the Phillips et al. and Hodgdon references.

With respect to the Cohen reference, which was only cited against dependent Claims 34, 35, and 37, applicant's attorney respectfully submits that it, whether considered individually or in combination with the Phillips et al. and Hodgdon references, does not anticipate or makes obvious the present invention as recited in independent Claim 15. In such circumstances, independent Claim 15 is believed to be in condition for allowance, along with all the claims depending therefrom (i.e., pending Claims 16-23 and 25-30).

Turning now to independent Claim 31, which relates to a chair, it includes the mounting recited in independent Claim 15. In such circumstances, for the reasons discussed above, independent Claim 31 is patentably distinguishable over the references cited in the Office Action, along with all the claims depending therefrom (i.e., pending Claims 32-37).

The remaining references have not been cited against the pending claims. Applicant's attorney is in agreement with the Examiner concerning the relevance of these references to the pending claims.

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In view of the foregoing remarks, applicant's attorney respectfully requests reexamination and allowance of pending Claims 15-23 and 25-37. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Enclosed is a Petition for a three-month extension of time to and including July 2, 2003, for which a \$930 fee is due. The Petition authorizes the Examiner to charge this \$930 fee to Deposit Account No. 501402. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 501402.

Respectfully Submitted,

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